



GREENWOOD COMMON COUNCIL SEPTEMBER 8, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which Chaplain Rodney Craggs of the Vista Care Hospice offered the invocation.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis.
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Mr. Bates moved to approve the minutes of the regular meeting of August 16th and the special meetings of August 23rd and August 30th. Second by Mr. Deer. Mr. Armstrong reported a problem with web access over the weekend; it has been repaired. Vote: Ayes (Abstain – Reed).

Ms. Koons-Davis had distributed a copy of her litigation report. There were no questions from the Council.

Mr. Armstrong reported for the Plan Commission. There will be a training session on September 27th.

ORDINANCE No. 04-28 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 51.54 Acres Located South of Curry Road, and Along the West Side of Honey Creek Road, and Commonly Known as the Forest Lawn Memory Gardens, Inc. Property. Mr. Bates moved to pass Ordinance No. 04-28 through first reading. Second by Mr. Deer. Mayor Henderson opened the public hearing for comment. Tim Stevens, Development Coordinator for Mann Properties, represented the petitioner. They are asking for annexation and rezoning to R-2A for this 51.5 acre parcel. He pointed out where the property was contiguous to the City and reported that the Plan Commission issued a unanimous favorable recommendation for the R-2A classification. The project began with appearing before the County, where it is zoned R-2. Mr. Stevens indicated that the County asked the developer to request sanitary sewer service from the City of Greenwood, because the density of the proposed project would require sewer and water service. Greenwood then asked that they request annexation into the City, as they were going to be provided City utilities and because the parcel is contiguous. They decided on the R-2A zoning request after looking at surrounding zoning and talking with Planning staff. R-2 zoning in the County would allow up to 3.5 units per acre, a minimum lot size of 8,000 square feet. In doing their market research they decided on the R-2A request for the City. Mr. Stevens then described the concessions made to Precedent, who asked that the homes for this project not back up to their main entry. A pond and a common area were placed so that there are only side views of homes. Mr. Stevens next shared elevations of the different home types. One-story homes will be at least 1,800 square feet and two-story homes at least 2,000 square feet. All homes will have 50% brick front. He then discussed landscaping and architectural commitments. Prices will range from about \$140,000 to \$240,000. As no one from the audience spoke, the public hearing was closed. Mr. Armstrong said that the Plan Commission approved the proposal 9 – 0 in part because the developer had met with the neighbors. There was more discussion on lot size and density. Mr. Bates called for the question to end debate. Vote: Ayes – Bates, Bless, Gibson, Reed; Nays – Armstrong, Deer, Hardin. Roll call on Ordinance No. 04-28: Ayes – Bates, Bless, Deer, Gibson, Armstrong; Nays – Hardin, Reed. **PASSED FIRST READING.** The City Attorney reminded the Council that for an annexation ordinance, per State statute final action could not come before 30 days after and no later than 60 days after the public hearing and first reading. At her recommendation, Mr. Bates moved to postpone the second reading to the October 18, 2004 meeting. Second by Mr. Gibson. Vote: Ayes. **SECOND READING POSTPONED UNTIL OCTOBER 18, 2004.**

ORDINANCE No. 04-32 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 30 acres of land located west of Combs Road, commonly known as Mann Properties, LLC (Franklin College, Mayme Pass Trust, Jeb & Angela Dickens and Robert & Aileen Robison Properties). Mr. Bless moved to pass Ordinance No. 04-32 on first reading. Second by Mr. Gibson. Attorney Steve Huddleston represented the petitioner and also Franklin College and first oriented the Council to the location of the proposed rezoning and companion annexation requests, then moved on to discuss surrounding zoning. They are proposing that the majority of the site be rezoned to R-2B, with some 13 acres R-1. Mr. Huddleston mentioned there were four or five meetings with surrounding land owners and that commitments were made as a result of that and Plan Commission requests. He highlighted that 47 lots were cut from what would be permitted in R-2B. They believe the project serves as a transition from a higher density area to suburban, which will probably be R-1. Mr. Huddleston detailed the commitments for the Council. In response to Mr. Armstrong, Tim Stevens pointed out the dividing line between the Crest Point and the Crescent homes. There are approximately 90 Crest Point homes, with the remainder of the 221 homes the Crescent model. This led to extensive discussion on zoning and home size permitted. From the audience John Peterson of 3195 E. Rocklane Road disagreed that Combs Road should be the dividing line between zoning classifications. He spoke for the “East of I-65 Property Owners Association” in opposing Ordinances 04-32, 04-33 and 04-34 – the development of Mann Properties, LLC. They are not against annexation by the City but also not against quality development, he said, stating 60% of the development is small, inexpensive houses on small lots. The association asked the developer for 160 homes on 66 acres, said Mr. Peterson, which is consistent with the current R-2 zoning approved for the property, as he detailed its objections and its tries to upgrade the development.

At this point, Tim Thunell of 656 Combs Road discussed the commitment of a fence along the southern border of the 30’ landscape buffer (A letter from Tim Stevens of Mann Properties is in attachments of this meeting). As no one else from the audience spoke, the public hearing was closed. There followed more discussion by the Council, with emphasis on the location of the parcels for this rezoning and associated annexations. At the recommendation of the City Attorney, Mr. Deer moved to amend Ordinance No. 04-32 to correct commitment #27 to change 1,200 square feet to 1,500 square feet and commitment #33 to change 1,400 square feet to 1,500 square feet. Second by Mr. Armstrong. Vote: Ayes. **ORDINANCE No. 04-32 AMENDED.** Mr. Hardin asserted that high-density rezoning needs to be stopped and opposed drawing the line at Combs Road. Mr. Armstrong explained his preference for a natural progression from R-4 to R-2B at the north end and R-2A at the south end. He commented that he wants to increase lot sizes on the east side but understands the problem with putting R-2 zoning next to R-4. There was more discussion on changing to R-2A. Counsel advised that the petitioner may have to start over to add a commitment. This led to further discussion. If the petition is voted down, a totally new petition must be presented after a wait of one year. Vote: Aye – Deer; Nays – Gibson, Hardin, Reed, Armstrong, Bates, Bless. **ORDINANCE No. 04-32 AS AMENDED FAILS.**

ORDINANCE No. 04-33 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 44.2 Acres Located on the West Side of Combs Road and North of County Road 1000N, and Commonly Known as Mann Properties, LLC Property (Franklin College, Mayme Pass Trust, Jeb & Angela Dickens and Robert and Aileen Robison Properties). At the City Attorney’s suggestion, Mr. Bates moved to correct the legal description as follows:

In Section 1. R-1 Residential Zoning (Dickens Property) by deleting the legal description in its entirety and replacing with the following:

R1 RESIDENTIAL ZONING (DICKENS PROPERTY)

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE ALONG THE EAST LINE THEREOF SOUTH 00 DEGREES 01 MINUTE 50 SECONDS EAST (ASSUMED BEARING) 1062.49 FEET TO THE POINT OF

BEGINNING OF THIS DESCRIBED TRACT; THENCE CONTINUING ALONG LAST SAID EAST LINE SOUTH 00 DEGREES 01 MINUTE 50 SECONDS EAST 291.00 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE ALONG THE SOUTH LINE THEREOF SOUTH 88 DEGREES 26 MINUTES 50 SECONDS WEST 300.00 FEET; THENCE PARALLEL WITH THE EAST LINE THEREOF NORTH 00 DEGREES 01 MINUTE 50 SECONDS WEST 291.00 FEET; THENCE PARALLEL WITH THE SOUTH LINE THEREOF NORTH 88 DEGREES 26 MINUTES 50 SECONDS EAST 300.00 FEET TO THE POINT OF BEGINNING CONTAINING 2.003 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS.

and change commitment #27 to change the square footage from 1,200 to 1,500 and commitment #33 to change the square footage from 1,400 to 1,500. Second by Mr. Bless. Vote: Ayes. **AMENDED.** Mr. Hardin moved to deny Ordinance No. 04-33. Second by Mr. Bates. Mayor Henderson opened the public hearing. As no one spoke, the public hearing was closed. Mr. Ferguson clarified the requirements for suburban fringe. At this point, the petitioner requested withdrawal of Ordinance No. 04-33 and Ordinance No. 04-34. **ORDINANCE No. 04-33 AND 04-34 WITHDRAWN BY THE PETITIONER.**

ORDINANCE No. 04-40 – An Ordinance Transferring Funds Within the Budget of the Legal Department (\$3,000). Mr. Gibson moved to pass Ordinance No. 04-40 on first reading. Second by Ms. Reed. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-41 – An Ordinance Fixing Salaries of Appointed Officers and Employees of the City of Greenwood, Indiana For the Year 2005. At counsel's recommendation, Mr. Bates moved to amend Ordinance No. 04-41 per current memo to remove the adjustments for certain positions to bring them down to a 2.1% increase. Second by Mr. Armstrong. Vote: Ayes – Armstrong, Bates, Bless, Deer, Gibson, Hardin, Reed. **AMENDED.** Mr. Hardin suggested changing the salary for Director of Operations under Board of Works to -0- for 2005. The position also appears under several other departments. This led to extended discussion, during which counsel cited the Indiana Code. Mr. Armstrong asserted that the position would have to be eliminated through non-funding instead of changing the salary to -0-. Mayor Henderson recalled that the previous council passed the salary ordinance to fund the Director of Operations and insisted that thousands of dollars have been saved since that position was created. He asked Mr. Hardin why he thought the position was not necessary. Mr. Hardin said he based his position on previous discussion in the minutes. He moved to put a -0- for the Director of Operations on page 1, for Board of Works; page 2, under Engineering; page 4, under Fleet Maintenance; page 5, under MVH, Street Department; page 9, under Sanitation Department; and page 10, under Waste Management. Second by Mr. Bates. Mayor Henderson recalled that over \$300,000 was saved on a project that the Director of Operations suggested could be done in-house – reducing the cost from an estimated \$400,000 to about \$60,000. He also highlighted a drainage problem in the Fairview area, where the Director of Operations met with our consulting engineer and figured out a solution for the ongoing problem of 20 years. The reduction of crew needed on limb pickup was the Mayor's next point, where the rest of the Street Department could be used to work on our streets. He asserted that there is not a position in the City that has saved us more money than that position and asked the Council to vote the motion down. In response to Mr. Hardin, the Mayor replied that not one employee was added; there was a change in titles, duties and job descriptions and an elimination of a position in another department. The Mayor added that the position was funded with savings in all those departments. In response to Mr. Hardin, the Mayor said that there would always be complaints from disgruntled employees who have left, but Mr. Hardin said that the majority of complaints are from current employees. "Indians don't run the war", answered the Mayor, "the chiefs do". Mr. Hardin insisted that the voters do and insisted that we do not need this extra layer of government. The Mayor argued that there is not an extra layer of government, but coordination of several departments under one. Human Resources Director Carolyn Gaier told the Council that a cost analysis was done for about a month at the formation of the position. Department heads agreed that coordination was needed. Ms. Gaier insisted that previously there was not a position with that job description. She commented that during the first three months of the formation nearly \$15,000 was saved in overtime. Ms. Gaier cautioned the Council against stripping away positions without needs assessment and an audit; we need to go on facts. Mr. Deer noted that he fully understood what the proposal was before the Council agreed to fund the position and agreed that it was a restructuring of positions. Director of Operations Norm Gabehart described some of the projects he worked to coordinate. He noted that the Street and Sanitation Departments have been integrated in working on projects and now have 28 trucks running in the winter to plow snow. Employees in the Engineering Department have been deployed to do inspections on major road projects, noting that Graham Road had an inspection fee of \$130,000 and Meridian Street \$105,000. Those two projects were inspected in-house. Mr. Gabehart said that working collectively has solved drainage problems and has expedited the trails project. He also highlighted the Cherryfield drainage project. Mr. Hardin argued that

these were the responsibilities of the Mayor. Ms. Koons-Davis advised that the Council as the fiscal body either approves funding or not, but does not create or eliminate positions. Vote: Ayes – Bates, Hardin, Reed; Nays – Bless, Deer, Gibson, Armstrong. Motion fails. Mr. Bates moved to pass Ordinance No. 04-41 as amended. Second by Mr. Deer. Vote: Ayes – Bless, Deer, Gibson, Armstrong, Bates; Nays – Hardin, Reed. **ORDINANCE No. 04-41 PASSED FIRST READING AS AMENDED.**

ORDINANCE No. 04-42 – An Ordinance Fixing Salaries of Elected Officials of the City of Greenwood, Indiana For the Year 2005. Per the City Attorney's memo, Mr. Bates moved to amend Ordinance No. 04-42 to remove the adjustments for the Mayor, remove the increases for the Common Council, give the Mayor and Clerk-Treasurer a 2.1% increase and keep the others as they are. Second by Ms. Reed. Mr. Hardin reiterated that he is opposed to any salary increases. Vote: Ayes – Gibson, Reed, Armstrong, Bates, Bless; Nays – Deer, Hardin. **AMENDED.** Mr. Bless moved to pass Ordinance No. 04-42 on first reading as amended. Second by Mr. Deer. Mr. Deer highlighted a survey on salaries of elected officials by the Indiana Association of Cities and Towns and said that sometimes we tend to look at classifications of cities as opposed to size. Mr. Deer quoted salaries of cities similar in size to Greenwood – East Chicago, Elkhart, Kokomo, and Lafayette. After more discussion, Mr. Bless called for the question. Vote: Ayes – Hardin, Reed, Armstrong, Deer; Nays – Gibson, Bates. Motion carried. Vote: Ayes – Armstrong, Bless, Deer; Nays – Gibson, Hardin, Reed, Bates. **ORDINANCE No. 04-42 FAILS AS AMENDED.** In response to Mr. Deer, the City Attorney confirmed that if a new salary ordinance is not passed by the end of the year the salaries are not changed from the 2004 level. Another ordinance can be proposed.

ORDINANCE No. 04-43 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances In Conflict Herewith" (Proposed Rezoning of approximately 15.96 acres of land located on the east side of Emerson Avenue and approximately 1/3 mile south of County Line Road, commonly known as the Frick Farm Supply Property). Ms. Reed moved to pass Ordinance No. 04-43 through first reading. Second by Mr. Gibson. Bob Wildman appeared on behalf of the petitioner. He recounted that the property is in the overlay zone and currently zoned I-1. They are asking that the western 15 acres be rezoned to a C-2 category, which is consistent with surrounding properties. The remainder of the property would stay in classification I-1. Mr. Armstrong reported that the Plan Commission approved this unanimously 9 – 0. Vote: Ayes. **PASSED FIRST READING.**

At this point the Council recessed and reconvened in ten minutes.

ORDINANCE No. 04-20 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 110.118 Acres Located East of I-65 and North of East Main Street (commonly known as the Sarah Mae Windhorst Revocable Trust Property). Mr. Bless moved to pass Ordinance No. 04-20 through second reading. Second by Ms. Reed. Mr. Armstrong indicated that this was approved unanimously by the Plan Commission. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-37 – An Ordinance to Establish a Special Non-Reverting Fund to Administer Money Received For Sale of Greenwood City Flags. Mr. Bates moved to pass Ordinance No. 04-37 on second reading. Second by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-38 – An Ordinance Amending Chapter 2, Article 6, Sec. 2-38, and Chapter 8, Article 9, Sec. 8-115 Exhibit A, of the Greenwood Municipal Code, As Amended, Designating No Parking on Holman Place and Along the Curves of Elm Drive, Also Commonly Known as Elm Street, Within the City of Greenwood. Mr. Bates moved to pass Ordinance No. 04-38 through second reading. Second by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-39 – An Ordinance Providing For an Additional Appropriation From the City Court Document Storage Fee Fund to the Greenwood City Court For a Digital Recorder and Video Equipment (\$12,000) and an Additional Appropriation From the City Court Late Fee Fund to the Greenwood City Court For Costs Associated With Moving and the Installation of Video Equipment (\$15,000). **CONTINUED UNTIL SEPTEMBER 20, 2004 FOR PUBLIC HEARING.**

RESOLUTION No. 04-22 – A Resolution of the Greenwood Common Council Regarding the Need to Lease Office Space for Greenwood City Court Post Conviction Services Division. Mr. Gibson moved to pass Resolution No. 04-22 on second reading. Second by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-44 – An Ordinance For Appropriations and Tax Rate. **POSTPONED UNTIL SEPTEMBER 20, 2004 FOR SECOND READING.**

ORDINANCE No. 04-45 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 22.43 acres located on the east side of Honey Creek Road immediately south of Alden Place Subdivision, commonly known as the Bright Farm Property). Attorney Lee Robbins represented the petitioner, Bridgewater Development, LLC and pointed out the property on a map. There is a simultaneous annexation request along with a request to rezone the parcel to R-2A if annexed. Mr. Robbins reported a favorable vote of 7 - 1 from the Plan Commission after commitments were extensively discussed at several meetings. He distributed those commitments to the Council and explained that the request for the R-2A zoning has been made to accommodate smaller lots on this property. If there were to be 60 lots, the density would be 2.67. Mr. Robbins then pointed out that R-1 density is 2.5 and R-2 is 3.5 and said that the smallest home on this property would be 1,300 square feet, which falls between R-2 and R-1. Two story homes (the majority) would be a minimum of 1,600 square feet. Many lots would be well in excess of the size permitted under R-2A. Mr. Robbins then explained the other commitments in detail. **INTRODUCED.**

ORDINANCE No. 04-46 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 22.43 Acres Located on the East Side of Honey Creek Road Immediately South of Alden Place Subdivision (commonly known as the Bright Farm Property). **INTRODUCED.** To comply with State statute, Mr. Bates moved to postpone first reading and public hearing until the November 15, 2004 meeting. Second by Mr. Bless. Vote: Ayes. **POSTPONED UNTIL NOVEMBER 15, 2004 MEETING FOR FIRST READING AND PUBLIC HEARING.**

RESOLUTION No. 04-24 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 23.43 Acres Located on the East Side of Honey Creek Road Immediately South of Alden Place Subdivision (1611 S. Honey Creek Road), Referencing Annexation Ordinance No. 04-46. **INTRODUCED.**

Under miscellaneous business Mr. Deer asked if Barton Lakes was established before the landscape ordinance. He asked about the huge drop-off.

Mr. Deer also said he had received a fairly irate call about Smitty's Transmission as operating not only a transmission business but also a vehicle storage lot and sales lot. The caller said he had addressed questions to City staff.

In response to Mr. Bates, the Mayor said he would look into the situation of lights being left on in the City Building over the weekend.

Ms. Reed noted that she had given the Council her figures on overtime and part-time. Mayor Henderson said that the first page of the handout he distributed will show the 2004 budget reduction and the back page will show the reductions he spoke about in the August 30th meeting.

Ms. Reed then asked for an update on when it might be possible to take Emerson Avenue & County Line Road out of the TIF district. Mayor Henderson said the Redevelopment Commission is now meeting on the second meeting of the month.

Mayor Henderson then passed out 2005 budget sheets with the Council's action included. The 2004 budget reductions will come in ordinance form, he stated, and mentioned that the \$312,520 is correct and is \$9,000 shy of what he read into the minutes. The Mayor then passed out the estimated value of new construction from March, 2003 through February, 2004 -- \$141,468,030. Taking out the Eastside TIF, the Fry Road TIF, and tax exemption figures, the Mayor noted that still leaves \$84,798,234. Multiplied by 0.7

is \$59,358,763 of new assessed valuation that will go into our normal levy. That figure times a 40 cent tax rate is just under \$2.4 million. If we get the excess levy for three years, the Mayor said this is about \$1.6 million. This offsets any tax increase by getting the excess levy, he noted, so we can fund the budget without a tax increase. The Mayor suggested looking at a special census next year, mentioning that the special census in 1998 generated \$225,000 to \$250,000 a year. Mr. Armstrong asked how much of the City budget is funded by property taxes. The Mayor said right now about \$6.5 million out of \$16.5 million comes from property taxes.

Mr. Hardin asked if the Clerk-Treasurer could provide another 2005 budget summary to include the budget cuts.

Mr. Armstrong reported that the streets of Valle Vista have had a lot of improvements over the last two weeks. The first bit of pavement is down on the west end and the crew is moving quickly.

Mr. Deer asked about Graham & Arlington. Mr. Peoni said it should be completed in October.

Ms. Myers explained the figures for her 332 account.

Mr. Ferguson discussed the tax abatement for the Precedent building that is being sold.

With no further business, the meeting adjourned at 10:00 p.m.